

ASSOCIATED BUILDERS AND
CONTRACTORS, EASTERN
PENNSYLVANIA CHAPTER, INC.,
VELLNIECE CONSTRUCTION, LLC, and
JEANETTE TENNANT,

V.

Defendant.

ORDER

1. The motion to dismiss the amended complaint for failure to state a claim and to strike scandalous allegations (Doc. No. 32) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion to dismiss the amended complaint for the failure to state a claim is **GRANTED** insofar as the defendant moved to dismiss Counts I, II, and IV of

the amended complaint, and those causes of action are **DISMISSED WITH PREJUDICE**;

b. The motion to dismiss Count III of the amended complaint is **DENIED AS MOOT**; and

c. The motion to strike scandalous allegations is **DENIED**;

2. Count III of the amended complaint is **DISMISSED WITHOUT PREJUDICE**;

and

3. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.